

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DOREEN SMITH, As Administrator of)	Case No.: 1:13 CV 744
the Estate of Kenneth C. Smith,)	
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
ROGER JONES,)	
)	
Defendant)	<u>JUDGMENT ENTRY</u>

In April 2013, Plaintiff Doreen Smith’s (“Plaintiff”) 42 U.S.C. § 1983 excessive force claim against Defendant Roger Jones (“Defendant”) was removed to this court. After a five-day jury trial in September 2015, the jury returned a verdict in Plaintiff’s favor and awarded her \$1,000,000 in survivorship damages and \$4,500,000 in wrongful death damages. (J. Entry, ECF No. 88.) Thereafter, Defendant moved the court to amend the jury verdict. (Mot., ECF No. 90.) The court found that the \$1,000,000 survivorship award was proper but that the \$4,500,000 wrongful death award was beyond the amount a reasonable jury could award. (Order, ECF No. 102.) As a result, the court ordered that Plaintiff either accept the remitted award of \$4,000,000—\$1,000,000 in survivorship damages and \$3,000,000 in wrongful death damages—or consent to a new trial on the issue of damages. (*Id.*; Order, ECF No. 107.)

In March 2016, Plaintiff filed a Motion for Reconsideration in which she argued that the court’s remittitur was arbitrary and unconstitutional and that the court erred in precluding her from introducing expert evidence on damages in the event of a new trial. (Mot. Reconsideration, ECF

No. 115.) The court denied Plaintiff's Motion with respect to the court's remittitur, but it granted Plaintiff's Motion with respect to the introduction of expert evidence on damages in the event of a new trial. (Order, ECF No. 119.)

Subsequently, Plaintiff filed a Motion to Certify, requesting that the court certify its Order denying in part Plaintiff's Motion for Reconsideration as a final, appealable order. (Mot. Certify, ECF No. 120.) The court denied Plaintiff's Motion to Certify because there was not a substantial ground for difference of opinion, and it gave Plaintiff until October 17, 2016, to notify the court whether she accepted the remitted award or whether she would proceed with a second trial on the issue of damages. (Order, ECF No. 122.) The court then granted Plaintiff an extension of time to make the election until October 24, 2016, on the basis that the parties were at the beginning stages of settlement negotiations. On October 21, 2016, Plaintiff notified the court that she elected to accept the remitted award. (Notice, ECF No. 124.)

The court hereby enters judgment in favor of Plaintiff and grants Plaintiff the remitted award of \$4,000,000—\$1,000,000 in survivorship damages and \$3,000,000 in wrongful death damages.

IT IS SO ORDERED.

/S/ SOLOMON OLIVER, JR.
CHIEF JUDGE
UNITED STATES DISTRICT COURT

December 21, 2016